

REMARKS/ARGUMENTS

Claims 22, 25, 27, 28, 30 and 32-43 are pending in the present application. Claims 22, 25, 27, 28, 32, 33 and 38-43 stand as rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwanenberg (USPN 6,095,381) in view of Baudin et al. (USPN 6,089,411). Claims 34-37 are objected to as being dependent on a rejected base claims but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, Applicant has made an amendment to independent claims 42 and 43 so as to place the application in proper form for allowance. Applicant respectfully requests entry of the amendment to claims 42 and 43. Applicant further asserts this amendment does not require further search by the Examiner. In addition, Applicant traverses the rejection of independent claims 22, 42 and 43 and asserts the following argument in support of allowance of all pending claims.

Amendment to Independent claims 42:

Applicant respectfully requests entry of the following amendment to independent claim 42:

"... wherein said slitting comprises three slits which are preferably-configured so as to be star-shaped and which are preferably arranged at the same angular spacing from one another."

Applicant asserts that this amendment places independent claim 42 in proper form for allowance as the May 14, 2008 Office Action, pages 3-4, state:

"Schwanenberg fail[s] to show the valve slits configured in a star-shape and with the same angular spacing, note that the rejected claims only required the slits to be 'preferably configured as to be star-shaped' and 'preferably arranged at the same angular spacing' in the same manner the slits of the valve of Schwanenberg are."

Consequently, Applicant respectfully requests allowance of claim 42 as the amendment places independent claim 42 in proper form for allowance.

Amendment to Independent Claim 43:

Applicant respectfully requests entry of the following amendment to independent claim 43:

"... the connecting wall is thin and non-rigid and in the transition zone between the membrane and the connecting wall an angular annular protrusion projects away from the container."

This amendment is offered to correct a clerical error and place claim 43 into conformance with the original specification at page 24, the beginning of the first full paragraph stating "Annular protrusion 92 ...". Consequently, the amendment is fully supported by the original specification. No new matter has been added and Applicant respectfully requests allowance of amended claim 43.

Argument in Support of Independent Claim 22:

Independent claim 22 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwanenberg (USPN 6,095,381) in view of Baudin et al. (USPN 6,089,411).

Claim 22 requires in part:

"Wherein an area [84] is adjoined to said annular section [98] of connecting wall, said area [84] extending upwardly in a curved fashion at an obtuse angle from the plane of the support segment [86] and the annular section [98], away from the container interior when the valve is affixed to the container."

These features are shown in Figure 8 of the specification.

The May 14, 2008 Office Action argues that Figure 13 of Schwanenberg is identical to Applicant's Figure 1 and therefore the self-closing valve of pending claim 22 including the above identified features is anticipated by Schwanenberg (Page 3, paragraph 5, fourth sentence).

Applicant cannot agree with this argument. Pending claim 22 refers to the embodiment of Figure 8 of the application which shows an obtuse angle between annular section [98] and said area [84]. This embodiment is claimed as claim 22 requires "an obtuse angle."

Schwanenberg's Figure 13 (and also 14) shows an acute angle between annular section (area of reinforcement ring 24) and adjacent area [4].

Schwanenberg's adjacent area [4] is also not "curved" as is required by Applicant's claim 22. Furthermore, Schwanenberg's adjacent area [4] does not merge into a

hinge member as is required by Applicant claim 22. ("the upwardly curved area merges with a hinge member.")

Therefore, Applicant asserts that Schwanenberg does not teach each and every limitation of Applicant's claim 22. Consequently Applicant asserts the inventive self-closing device of pending claim 22 is not rendered obvious by Schwanenberg in view of Baudin et al. For these reasons Applicant believes independent claim 22 is in proper form for allowance and respectfully requests allowance of said claim. Additionally, claims 25, 27-28, 30 and 32-41 depend on claim 22 and for at least this reason are also believed to be in proper form for allowance and Applicant respectfully requests allowance of said claims.

Argument in support of amended independent claim 43:

Independent claim 43 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwanenberg in view of Baudin et al. Amended claim 43 requires in part:

"the connecting wall is thin and non-rigid and in the transition zone between the membrane and the connecting wall and annular protrusion projects away from the container."

As a result of this annular protrusion [92] the connecting wall is attached to the sidewall of the membrane, e.g., (Element 60, Figure 5) with an offset from the upper side (which faces away from the container). This lends to a soft hinging of the membrane relative to its connecting wall [84].

The May 14, 2008 Office Action does not address this feature. Nowhere does the Office Action assert that the

prior art teaches "annular protrusion project[ing] away from the container."

Therefore, Applicant asserts that the combination of Schwanenberg and Baudin does not teach the limitations of amended independent claim 43. Consequently Applicant asserts the inventive self-closing device of the pending claim 43 is not rendered obvious by Schwanenberg in view of Baudin. For these reasons Applicant believes independent claim 43 is in proper form for allowance and respectfully requests allowance of said claim.

In view of the above arguments Applicant respectfully requests allowance of all pending claims.

CONCLUSION

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



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